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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E
ACQUISITION COMPANY LLC, and
BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.;
AVISON YOUNG (USA) INC.; AVISON
YOUNG-NEVADA LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

Defendants.

Case No. 2:15-cv-00531-RFB-EJY

**PLAINTIFFS' MOTION FOR LEAVE
TO PARTICIPATE BY CELLULAR
PHONE AT THE APRIL 6, 2020,
HEARING**

(Emergency Motion)

Plaintiffs Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate
of Nevada LLC (together, "Plaintiffs"), through their counsel, move this Court under LR 7-4 for

1 the entry of an order allowing them to participate by cellular phone at the April 6, 2020,
2 telephonic hearing in this matter. In support of this motion, Plaintiffs submit the following
3 memorandum of points and authorities:

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 On March 23, 2020, the Court entered an order setting an April 6 telephonic hearing on
6 two of Plaintiffs' motions to compel. (ECF No. 318.) The order states: "The use of a cell phone or
7 speaker phone during the call is prohibited. The call must be made using a land line." (*Id.*)

8 On March 25, 2020, Defendants filed an emergency motion seeking leave for two of their
9 attorneys to appear telephonically by cellular phone at the April 6 hearing. (ECF No. 319.) On
10 March 26, 2020, the Court granted Defendants' motion. (ECF No. 323.)

11 Plaintiffs likewise seek leave for their counsel to participate telephonically by cellular
12 phone at the April 6 hearing. Tina Solis and Seth Horvath, who are admitted pro hac vice in this
13 matter, live and work in the Chicago area. As a result of the COVID-19 outbreak, Illinois
14 residents are subject to the travel restrictions set forth in Executive Order 2020-10, issued by the
15 Governor of Illinois on March 20, 2020. *See* Exec. Order 2020-10 <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-10.aspx> (Mar. 20, 2020). Obtaining access to a land line
16 for purposes of the April 6 hearing would require travel to and from the offices of Nixon Peabody
17 LLP, Plaintiffs' counsel's law firm. (*See* Ex. 1, Solis Decl., ¶¶ 8–12.)

18 To avoid unnecessary travel under the current circumstances, Plaintiffs request leave for
19 their counsel to participate telephonically by cellular phone, rather than by land line, at the April
20 6 hearing. The court has the inherent authority to grant this request. *See United States v. Urena*,
21 659 F.3d 903, 908 (9th Cir. 2011). Plaintiffs' counsel will take all reasonable measures within
22 their control to ensure that their cellular-phone connections remain clear and uninterrupted during
23 the course of the hearing.

1 This motion qualifies as an emergency since it involves compliance with the Court's
2 March 23 order, it cannot be addressed within the standard briefing schedule in LR 7-2(b), and it
3 arises from COVID-19 travel restrictions.

4 Plaintiffs' counsel have conferred with Defendants' counsel about the relief requested in
5 this motion. Defendants' counsel have no objection. (*Id.*, ¶ 16.)

6
7 **CONCLUSION**

8 **FOR THESE REASONS**, Plaintiffs respectfully request the entry of an order allowing
9 their counsel to participate by cellular phone at the April 6 telephonic hearing in this matter.

10 Dated: March 27, 2020

Respectfully submitted,

11 /s/ Tina B. Solis

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28 (admitted pro hac vice)

IT IS SO ORDERED.

22 
23
24 UNITED STATES MAGISTRATE JUDGE

25 Dated: March 30, 2020

*Attorneys for Plaintiffs Newmark Group Inc.,
G&E Acquisition Company LLC, and
BGC Real Estate of Nevada LLC*